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International of Washington, Inc.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EXPEDITORS INTERNATIONAL OF
WASHINGTON, INC., a Washington
corporation,

Plaintiff,

v.

HYUNDAI MERCHANT MARINE
COMPANY, LTD., a foreign corporation,

Defendant.

No. 1:21-cv-09068

COMPLAINT FOR INDEMNITY

COMES NOW plaintiff Expeditors International of Washington, Inc. (“Expeditors”), as
and for its complaint against defendant Hyundai Merchant Marine Company, Ltd. (“Hyundai”),
and hereby alleges and avers as follows:

PARTIES

1) Expeditors is a non-vessel operating common carrier which entered into a contract
of carriage with Hyundai for international ocean transit of the cargo that is the subject of a
lawsuit pending in the U.S. District Court for the Western District of Washington styled *Balanza
Asia Co. Ltd. v. Expeditors International of Washington, Inc.*, under Cause No. 2:21-cv-01439
(the “Underlying Lawsuit”). A copy of said contract of carriage, i.e., the sea waybill Hyundai
issued to Expeditors’ subsidiary ,Expeditors Viet Nam Company, Limited, is attached hereto as

Exhibit A and incorporated herein. A copy of the complaint filed in the Underlying Lawsuit is attached hereto as Exhibit B and incorporated herein.

2) Hyundai is an ocean carrier which accepted for international ocean transit the cargo that is the subject of the Underlying Lawsuit pursuant to Expeditors' contract with Balanza Asia Co. Ltd. ("Balanzia").

JURISDICTION AND VENUE

3) The Court has jurisdiction over this action under 28 U.S.C. §1333 because its subject matter addresses international ocean transportation of cargo into the United States; and under 28 U.S.C. §1332 because plaintiff is a Washington State corporation and defendant is a corporation of a foreign country, and at issue is \$95,000.00 as alleged in the Underlying Lawsuit. Venue in this Court is proper based on the forum selection clause contained in the contract between Expeditors and Hyundai.

ALLEGATIONS OF OPERATIVE FACT

4) In the Underlying Lawsuit, the plaintiff Balanza seeks to recover from Expeditors the value of property allegedly damaged, lost, destroyed or delayed while in Hyundai's care, custody and control during the transport governed by Hyundai's sea waybill.

5) Expeditors committed no act or omission that caused or contributed to Balanza's alleged losses, if any.

6) Any negligence, breach of contract or other wrongdoing that caused or contributed to Balanza's losses, if any, was committed by, and/or is the responsibility of, Hyundai.

**CAUSE OF ACTION
INDEMNITY**

7) Expeditors repeats and realleges the allegations of paragraphs 1 through 6 as if fully stated herein.

8) Any negligence, breach of contract or other wrongdoing by any entity other than Expeditors that caused or contributed to Balanza's loss, if any, and that resulted in Balanza's alleged losses, is the contractual and/or statutory and/or common law and/or international treaty responsibility of Hyundai.

9) Expeditors is entitled to full indemnity from Hyundai for any and all liability Expeditors may be adjudged to have to Balanza, and/or any judgment entered against it in favor of Balanza, in the Underlying Lawsuit, plus Expeditors' costs and attorneys' fees incurred in the defense of the Underlying Lawsuit and the prosecution of this action.

WHEREFORE, Expeditors prays for relief as follows:

- 1) For an award of indemnity against Hyundai for any and all liability Expeditors may be adjudged to have to Balanza in the Underlying Lawsuit, and/or any judgment entered against it in favor of Balanza, including Expeditors' costs and attorneys' fees incurred in the defense of the Underlying Lawsuit;
- 2) For an award of Expeditors' costs and attorneys' fees incurred in the prosecution of this action; and
- 3) For such other and further relief as the Court may deem just and proper.

DATED: November 3, 2021

LANE POWELL PC

By: /s/ Steven W. Block

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